

## REMARKS

Claim 21 has been replaced by new claim 22. Claim 2 has been replaced by new claim 23. Claims 1, 2 and 21 are cancelled without prejudice. No new matter is introduced. Except for correcting dependencies, claims 3-20 remain the same as previously presented.

### 35 U.S.C. 102(b) rejection

Claims 2-7, 10-19 and 21 were rejected under 35 U.S.C. 102(b). The Examiner relied upon Matsushita JP7-60185 (hereinafter Matsushita) to support this rejection. The following structural difference exists between the invention according to claim 22 and Matsushita. In Matsushita, the comparative electrode 3 is attached to a part with which a detection subject (body) does not come into proximity. Therefore, Matsushita's comparative electrode 3 is not disposed opposing the detection subject that is approaching. On the other hand, in the invention according to claim 22, both the first detection electrode and the second detection electrode are attached to a part with which the detection subject comes into proximity, and are disposed opposing the detection subject that is approaching. Thus, in the invention according to claim 22, the detection subject is expected to approach both the electrodes. Therefore, the effect disclosed in the description at page 12, *ℓ.* 22-pg. 13, *ℓ.* 24 in the specification is obtained. On the other hand, in Matsushita, the detection subject is not expected to come into proximity to the comparative electrode, therefore such an effect does not occur.

### 35 U.S.C. 103(a) rejection

The Examiner rejected claim 8 under 35 U.S.C. 103(a). The Examiner relied upon the combination of Matsushita and Melnick U. S. Patent 3,311,696 (hereinafter Melnick). Melnick discloses metal foil disposed on an electrode surface. However, as explained in relation to the 102(b) rejection, Matsushita fails to disclose a first detection electrode and a second detection electrode that are attached to a part that the detection subject comes into proximity, the first detection electrode and the second detection electrode being mutually electrically independent, and being disposed opposing the detection subject that is approaching. Melnick neither discloses nor suggests this feature. Thus, the invention of claim 8 would not have been obvious to an ordinarily skilled artisan from Matsushita in view of Melnick.

The Examiner rejected claims 9 and 20 under 35 U.S.C. 103(a). The

Examiner relied upon the combination of Matsushita and Schoefthaler et al U. S. Patent 6,215,318 (hereinafter Schoefthaler). Schoefthaler discloses a sensor having electrode combs, the comb like teeth of which are interleaved. However, again, as explained in relation to the 102(b) rejection, Matsushita fails to disclose a first detection electrode and a second detection electrode that are attached to a part that the detection subject comes into proximity, the first detection electrode and the second detection electrode being mutually electrically independent, and being disposed opposing the detection subject that is approaching. Schoefthaler neither discloses nor suggests this feature. Thus, claims 9 and 20 would not have been obvious to an ordinarily skilled artisan from Matsushita in view of Schoefthaler.

As to new claim 23, Matsushita discloses that the detection electrode 1 is shielded. However, Matsushita does not disclose that the comparative electrode 3 is shielded. On the other hand, according to claim 23, both the first detection electrode and the second detection electrode are shielded.

Of the detection electrode 1 and the comparative electrode 3, if only the detection electrode 1 is shielded, when a subject other than the detection subject approaches the comparative electrode 3, the proximity of such a subject affects the difference between capacitance to ground formed by the detection electrode 1 and the capacitance to ground formed by the comparative electrode 3, and detection of proximity of the detection subject cannot reliably be performed. In claim 23, both of the first detection electrode and the second detection electrode are shielded, so that even if a subject other than the detection subject approaches either the detection electrode 1 or the comparative electrode 3, the proximity of such a subject other than the detection subject does not influence the difference, and detection of proximity of the detection subject can reliably be performed.

Accordingly, Applicant submits that his claims 3-20, 22 and 23, as presented herein, are in condition for further favorable consideration, culminating in allowance. Such action is respectfully requested.

This response is filed with a request for continued examination. The Commissioner is hereby authorized to charge the fee for this request for continued examination, as well as any additional fees which are required to constitute this a timely response to the September 17, 2007 official action, to Applicant's undersigned counsel's deposit account 10-0435 with reference to file 40433-78389.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard D. Conard", written in a cursive style.

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